

Appl. No. 10/508,745; Docket No. NL02 0251US  
Amdt. dated March 21, 2006  
Reply to Office Action of February 21, 2006

### REMARKS/ARGUMENTS

Claims 1-7 are pending in the application. Claims 8-10 have been cancelled.

Claim 1 has been amended to include the feature, "the security coating including at least one layer of inorganic material." This change is supported by the Specification and contains no new matter. In the Specification, "the coating thereto includes in particular at least one layer of an inorganic material, as organic materials are generally not resistant to oxidators (page 3, lines 8-9)"

New claims 11-20 have been added to further clarify additional features of the invention. These changes are supported by the Specification. Applicants believe no additional fees are required for the additional claims. However, if fees are due, Examiner is authorized to charge such fees to the Deposit Account Number below.

### Claim Rejections

Claims 1-7 are rejected under 35 U.S.C. §102(b) as being anticipated by Davis (US 6,137,173) hereinafter *Davis*.

Applicants respectfully traverse the §102 rejections. Applicants believe that claim 1, as amended and corresponding dependent claims, are not anticipated by *Davis*.

The amended claim feature, "*the security coating including at least one layer of inorganic material*," is not anticipated. Upon careful reading of the reference, Applicants note that discussion is focused on molding compounds, "the backlapped IC is packaged through application of another molding compound 540 over the backside of backlapped IC. Each of these molding compounds 250 and 540 may be secure molding compounds, non-secure molding compound or any combination thereof. Also, even if these molding compounds 250 and 540 are identical in function (e.g., both secure molding compounds or both non-secure molding compounds), they may be developed with different compositions. Of course, in addition to molding compound, die coating may be used (col. 5, lines 5-12)." By customary process techniques, one skilled in the art would assert that molding compounds are organic materials. One cannot assume, as in the Office Action's assertion, "that his (Davis) disclosure encompasses all well-known security coating

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layers, including a layer of TiO<sub>2</sub> (Office Action, item 7)." There is no mention of inorganic layers—only molding compounds.

To reiterate, the Office Action's assertion that "disclosure encompasses all well-known security coating layers," is insufficient rationale. Per MPEP §2112, IV,

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

Applicants respectfully present that the claimed "at least one layer of inorganic material" and particular inorganic materials of the amended/new claims are likewise excluded from *Davis*.

Consequently, *Davis* does not anticipate the amended claimed features of Applicants' invention.

To reiterate, per MPEP §2131:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently describe in a single prior art reference." *Verdegal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Based upon the lack of anticipation of *Davis* and the insufficient showing of inherency, Applicants request that the § 102 rejections be withdrawn. Claim 1, as amended, therefore allowable and dependent claims 2-7 are also allowable. Furthermore, new claims 11-20 are also allowable.

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Conclusion

Applicants believe they have addressed all of the Examiner's concerns. In that the claims are allowable, a Notice of Allowance is earnestly requested.

Please charge any fees other than the issue fee and credit any overpayments to Deposit Account 14-1270.

Respectfully submitted,

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